

REMARKS

The Office Action has been received and carefully considered. Claims 1-7, 9-27, and 29 are pending in the application. Claim 12 is amended to correct a typographical error. Claims 8, 28, 30 and 31 have been previously canceled without prejudice or disclaimer. No new matter has been added. Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

Objection to Claim 12

Claim 12 is objected to. Specifically, the Office Action recites that “Claim 12 is amended to read: ‘wherein the agent score...is based on ...position rank, of the particular agent.’ The comma appears to be extraneous.” *Office Action*, p. 2. Claim 12 is amended to correct this typographical error. In order to illustrate this change, “rank,” has been deleted and “rank” has been inserted. It is respectfully requested that the objection to claim 12 be withdrawn.

Provisional Rejection of Claims 1-7, 9-27, & 29 under Obviousness-Type Double Patenting

Claims 1-7, 9-27, and 29 stand provisional rejection under obviousness-type double patenting as being unpatentable over claims 1-11 and 13-26 of Application 10/602,707. A terminal disclaimer is being filed concurrently with this Response. Please note that a terminal disclaimer is also being filed for Application 10/602,707. As a result, claims 1-7, 9-27, and 29 of this application and claims 1-11 and 13-26 of Application 10/602,707 should now be in condition for allowance. It respectfully requested that the provisional rejection of claim 1-7, 9-27, and 29 is withdrawn.

¹ As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicant’s silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

CONCLUSION

The foregoing is submitted as a full and complete Response to the Non-final Office Action mailed August 26, 2008, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

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